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BROOKS KUSHMAN P.C.			GRAHAM, PAUL J	
1000 TOWN CENTER			ART UNIT	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/823,869

**Applicant(s)**

AHMAD-TAYLOR, TY O.

**Examiner**

Paul J. Graham

**Art Unit**

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/14/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/14/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Information Disclosure Statement*

1. The references listed on the Information Disclosure statement filed 4/14/2004 have been considered by examiner (see attached PTO-1449).

### *Specification*

2. The specification is objected to because of the following informalities:  
  
On page 1, in the Background of the Invention, *pay-per view* should read *pay-per-view*.  
  
Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  
  
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1-8, 10, 12-30, 32-35, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al. (US 5850218) in view of Russ et al. (US 2004/0060063 A1).

As to claim 1, LaJoie discloses a method for electronically displaying an on-demand listings guide, the method comprising (see LaJoie, figs. 1-4 and col. 2, ll. 1-7):

LaJoie does not explicitly teach displaying series and episode information; however, Russ, who discloses a PVR IPG, does teach this (see Russ, fig. 16, the series, "Barney" is displayed simultaneously with information for a plurality of episodes for "Barney" (if highlighted that episode of Barney will display info in top left of guide screen) and the episodes have been recorded and are selectable for on-demand viewing).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the EPG method of LaJoie with the PVR listing system of Russ so that episodal information on a particular series of on-demand programming is made available to the viewer in a single interface (see Russ, [0019-0020]).

As to claim 2, LaJoie and Russ (as combined in claim 1) disclose the method of claim 1 further comprising simultaneously displaying a plurality of series, wherein each displayed series can be selected to display the plurality of episodes available on-demand for the selected series (see Russ, fig. 15,16 and [0024], any channel configured for only a given series will list only episodes of that series when recalled (as in fig. 16)).

As to claim 3, LaJoie and Russ (as combined in claim 1) disclose the method of claim 1 wherein displaying the on-demand listings guide includes magnifying one of the plurality of displayed episodes in a window (see Russ, fig. 16, the highlighted episode is listed in the upper left window (in a font set apart from the others listed)).

As to claim 4, LaJoie and Russ (as combined in claim 1) disclose the method of claim 3 further comprising displaying in the window an episode title and an episode

description for the selected episode (see Russ, fig. 16, "Barney" and desc. of record date / channel is the title while "Barney shows us how to play nice" is the episode description).

As to claim 5, LaJoie and Russ (as combined in claim 1) disclose the method of claim 3 further comprising displaying a number of actuatable buttons in the window, at least one of the buttons being a PREVIEW button to preview the selected episode (see Russ, fig. 16, there are buttons (a-c) on the bottom panel of the grid which may be activated and once an episode is highlighted it is Previewed in the "(video)" window.

Neither LaJoie nor Russ teach a button on their grids that reads "PREVIEW"; however, official notice is taken that it is well known in the art that a button by another name may lead to a preview of the video signal such that any of the "browse by" buttons available on either grid will bring about a preview in the PIP window available in either browser (see LaJoie, fig. 21 or Russ, fig. 16).

As to claim 6, LaJoie and Russ (as combined in claim 1) disclose the method of claim 5 wherein previewing the episode includes displaying the preview in the window (see LaJoie, fig. 21 or Russ, fig. 16).

As to claim 7, LaJoie and Russ (as combined in claim 1) disclose the method of claim 5 wherein displaying the actuatable buttons includes at least displaying a GO TO SHOW button to order the selected episode (see LaJoie, fig. 12, pressing "B" buy will order the video event selected).

Neither LaJoie nor Russ explicitly teach a "GO TO SHOW" button for ordering; however, official notice is taken that it is well known in the art that a video event order button may read something other than "GO TO SHOW".

As to claim 8, LaJoie and Russ (as combined in claim 1) disclose the method of claim 5 wherein displaying the actuatable buttons includes displaying an ADULT LOCK button to prevent ordering of the selected episode (see LaJoie, fig. 9 and 10 for a channel blocking feature that is a configurable setting (like a button)).

Neither LaJoie nor Russ teach a button that reads "ADULT LOCK" to prevent ordering (or viewing) of an episode (or channel); however, official notice is taken that it is well known in the art that the channel (episode)-blocking feature of a video listing does not have to take the form of a button that reads "ADULT LOCK".

As to claim 10, LaJoie and Russ (as combined in claim 1) disclose the method of claim 1 further comprising ordering a selected episode for viewing, and further displaying a control panel during viewing of the selected episode, the control panel having actuatable buttons for executing operations relating to the selected episode (see LaJoie, fig. 31, while viewing the video in the PIP window, a control panel at the bottom of the page allows the viewer to get a "summary" or "buy" the video).

As to claim 12, LaJoie and Russ (as combined in claim 1) disclose the method of claim 10 wherein displaying the control panel includes displaying a button to record the selected episode (see Russ, fig. 6 on the PVR IPG a "record options button ("b") is available in the control panel at the bottom of the screen for the recording (and its parameters) of a selected episode).

As to claim 13, LaJoie and Russ (as combined in claim 1) disclose the method of claim 1 further comprising providing navigation capability through the listings guide which includes scrolling the series and episode information into a fixed window to select an episode (see LaJoie, fig. 29, the barker channel is a fixed window with scrolling of series and episode info into the window).

As to claim 14, LaJoie and Russ (as combined in claim 1) disclose the method of claim 13 wherein scrolling includes scrolling in a first direction to change the displayed series and scrolling in a second direction to change the selected episode (see Russ, fig. 16, the directional arrows show where the grid may be scrolled and if scrolling vertically the series will change on a grid by channel, where scrolling horizontally will change the episode of that channel (which has been configured to include a single series) due to moving across time).

As to claim 15, LaJoie and Russ (as combined in claim 1) disclose the method of claim 13 wherein the series and episode information is scrolled into the window without any re-loading or refreshing (see LaJoie, fig. 29, the barker channel is dedicated to listing those videos for selection so no refresh is necessary).

As to claim 16, LaJoie and Russ (as combined in claim 1) disclose the method of claim 1 wherein displaying the episode information includes displaying an episode title adjoined to other episode information for ease of association (see Russ, fig. 16 the upper left window in the grid shows episode association).

As to claim 17, LaJoie discloses a method for electronically displaying an on-demand listings guide on a screen, the method comprising (see LaJoie, figs. 1-4 and col. 2, ll. 1-7):

LaJoie does not explicitly teach displaying series and episode information; however, Russ, who discloses a PVR IPG, does teach this (see Russ, fig. 16, the series, "Barney" is displayed simultaneously with information for a plurality of episodes for "Barney" (if highlighted that episode of Barney will display info in top left of guide screen and each portion, the PIP, the grid (a flip menu) and the description only overlay a portion of the screen) and the episodes have been recorded and are selectable for on-demand viewing).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the EPG method of LaJoie with the PVR listing system of Russ so that episodal information on a particular series of on-demand programming is made available to the viewer in a single interface (see Russ, [0019-0020]).

As to claim 18, it is analyzed similar to claim 3 (see above).

As to claim 19, LaJoie discloses a system for providing on-demand viewing, the system comprising (see LaJoie, figs. 1-4 and col. 2, ll. 1-7):  
a transceiver in communication with a media source for receiving program signals (see LaJoie, fig. 3, the STB), the program signals including an on-demand listings guide (see LaJoie, col. 5, ll.1-15 and col. 9, ll. 38-50).



LaJoie does not explicitly teach displaying series and episode information; however, Russ, who discloses a PVR IPG, does teach this (see Russ, fig. 16, the series, "Barney" is displayed simultaneously with information for a plurality of episodes for "Barney" (if highlighted that episode of Barney will display info in top left of guide screen and each portion, the PIP, the grid (a flip menu) and the description only overlay a portion of the screen) and the episodes have been recorded and are selectable for on-demand viewing).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the EPG method of LaJoie with the PVR listing system of Russ so that episodal information on a particular series of on-demand programming is made available to the viewer in a single interface (see Russ, [0019-0020]).

As to claim 20, it is analyzed similar to claim 3 (see above).

As to claims 21 and 22, they are analyzed similar to claim 4 (see above).

As to claim 23, it is analyzed similar to claims 3 and 4 (see above).

As to claims 26 and 27, they are analyzed similar to claim 5 (see above).

As to claim 28, it is analyzed similar to claim 6 (see above).

As to claim 29, it is analyzed similar to claim 7 (see above).

As to claim 30, it is analyzed similar to claim 8 (see above).

As to claim 24, LaJoie and Russ (as combined in claim 1) disclose the system of claim 19 wherein the media source is a cable service provider (see LaJoie, col. 2, ll. 18-27).

As to claim 25, LaJoie and Russ (as combined in claim 1) disclose the system of claim 19 wherein the media source is a satellite service provider (see LaJoie, col. 2, ll. 18-27).

As to claim 32, LaJoie and Russ (as combined in claim 1) disclose the system of claim 19 wherein the transceiver is further configured to generate an audio signal in response to one or more signals received for operating the guide (see LaJoie, fig. 3, audio).

As to claim 33, LaJoie discloses a system for providing an on-demand viewing on a screen, the system comprising (see LaJoie, figs. 1-4 and col. 2, ll. 1-7): a transceiver in communication with a media source for receiving program signals (see LaJoie, fig. 3, the STB), the program signals including an on-demand listings guide (see LaJoie, col. 5, ll. 1-15 and col. 9, ll. 38-50).

LaJoie does not explicitly teach displaying series and episode information; however, Russ, who discloses a PVR IPG, does teach this (see Russ, fig. 16, the series, "Barney" is displayed simultaneously with information for a plurality of episodes for "Barney" (if highlighted that episode of Barney will display info in top left of guide screen and each portion, the PIP, the grid (a flip menu) and the description only overlay a

portion of the screen) and the episodes have been recorded and are selectable for on-demand viewing).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the EPG method of LaJoie with the PVR listing system of Russ so that episodal information on a particular series of on-demand programming is made available to the viewer in a single interface (see Russ, [0019-0020]).

As to claim 34, it is analyzed similar to claims 3 and 4 (see above).

As to claim 35, it is analyzed similar to claim 5 (see above).

As to claim 37, LaJoie and Russ (as combined in claim 1) disclose the system of claim 35 wherein the control panel buttons include a SAVE button to save the ordered episode (see Russ, fig. 39, where the record button on the control panel will save the ordered (selected) episode).

LaJoie or Russ do not teach a control panel button that reads "SAVE"; however, official notice is taken that it is well known in the art that the function of saving an episode (for further viewing) may be triggered by something other than a button the reads "SAVE"; something like a "record" button will save it as well.

5. Claims 9 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al. (US 5850218) in view of Russ et al. (US 2004/0060063 A1) in further view of Boston (US 2004/0091236 A1).

As to claim 9, LaJoie and Russ (as combined in claim 1) disclose the method of claim 5 wherein displaying the actuatable buttons

Neither LaJoie nor Russ explicitly teach a displaying a RATE IT button to rate the selected episode; however, Boston, who discloses a configurable PVR system, does teach this (see Boston, [0047] and fig. 6 and 7, where the radio button "Rate current programming" allows a logged in user to rate the program and thumbs up/down indicator may be in conjunction with this).

LaJoie or Russ or Boston do not teach a rating button that reads "RATE IT"; however, official notice is taken that it is well known in the art that the function of rating an episode may be triggered by something other than a button the reads "RATE IT".

As to claim 31, it is analyzed similar to claim 9 (see above).

6. Claims 11 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al. (US 5850218) in view of Russ et al. (Us 2004/0060063 A1) in further view of DeWeese (US 2005/0262542 A1).

As to claim 11, LaJoie and Russ (as combined in claim 1) disclose the method of claim 10 wherein displaying the control panel

LaJoie or Russ do not teach displaying a button to enter a chat related to the selected episode; however, DeWeese, who discloses a TV chat system, does teach this (see DeWeese [0076] and fig. 13 for a button to enter chat).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of LaJoie and Russ with the system of DeWeese so that a related chat option was made available to the viewer (see DeWeese, [0011]).

As to claim 36, it is analyzed similar to claim 11 (see above).

***Inquiries***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul J. Graham whose telephone number is 571-270-1705. The examiner can normally be reached on Monday-Friday 8:00a-5:00p EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
ANDREW Y. KOENIG  
PRIMARY PATENT EXAMINER